



# House of Representatives

General Assembly

**File No. 421**

*January Session, 2007*

House Bill No. 6768

*House of Representatives, April 10, 2007*

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***AN ACT CONCERNING THE APPROVAL OF SMALL ALTERNATIVE ON-SITE SEWAGE TREATMENT SYSTEMS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 22a-430 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2007*):

4 (g) The commissioner shall, by regulation adopted prior to October  
5 1, 1977, establish and define categories of discharges which constitute  
6 household and small commercial subsurface disposal systems for  
7 which he shall delegate to the Commissioner of Public Health the  
8 authority to issue permits or approvals and to hold public hearings in  
9 accordance with this section, on and after said date. Not later than  
10 December 31, 2008, the Commissioner of Environmental Protection, in  
11 consultation with the Commissioner of Public Health, shall adopt  
12 regulations, in accordance with chapter 54, to establish and define  
13 categories of discharge constituting alternative on-site sewage  
14 treatment systems. On and after said date, the Commissioner of

15 Environmental Protection shall delegate authority to the  
 16 Commissioner of Public Health to issue permits or approvals and to  
 17 hold public hearings in accordance with this section regarding such  
 18 alternative on-site sewage treatment systems. The Commissioner of  
 19 Public Health shall, pursuant to section 19a-36, establish minimum  
 20 requirements for household and small commercial subsurface disposal  
 21 systems and alternative on-site sewage treatment systems and  
 22 procedures for the issuance of such permits or approvals by the local  
 23 director of health or a sanitarian registered pursuant to chapter 395. As  
 24 used in this subsection, (1) small commercial disposal systems shall  
 25 include those subsurface disposal systems with a capacity of five  
 26 thousand gallons per day or less, and (2) an alternative on-site sewage  
 27 treatment system shall include a system that is (A) an alternative to a  
 28 subsurface sewage disposal system, as defined in subsection (i) of this  
 29 section, and (B) has a capacity of five thousand gallons per day or less.  
 30 Any permit denied by the Commissioner of Public Health, or a director  
 31 of health or registered sanitarian shall be subject to hearing and appeal  
 32 in the manner provided in section 19a-229. Any permit granted by said  
 33 Commissioner of Public Health, or a director of health or registered  
 34 sanitarian on or after October 1, 1977, shall be deemed equivalent to a  
 35 permit issued under subsection (b) of this section. The approval by the  
 36 Commissioner of Public Health of a permit for an alternative on-site  
 37 sewage treatment system pursuant to this subsection shall not be  
 38 construed to endorse the expansion of a nonconforming residential  
 39 property for zoning purposes.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2007	22a-430(g)
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**ENV**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Department of Environmental Protection	GF - Cost	See Below	None
Public Health, Dept.	GF - Cost	See Below	See Below
Public Health, Dept.	GF - Revenue Gain	Potential	Potential
Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	See Below	See Below

Note: GF=General Fund

#### **Municipal Impact:**

Municipalities	Effect	FY 08 \$	FY 09 \$
All Municipalities	Potential Cost & Revenue Gain	See Below	See Below

### **Explanation**

It is anticipated that the Department of Environmental Protection (DEP) will require additional resources of \$25,000 - \$50,000 or diversion of ¼ of an analyst from current duties to adopt regulations establishing and defining categories of discharge constituting alternative on-site sewage treatment systems.

The bill requires the Department of Public Health (DPH) to initiate a regulatory process for alternative on-site sewage treatment systems, as delegated by the DEP. The department will have to: (a) consult with DEP; (b) promulgate regulations; (c) review and approve small alternative technologies; (d) establish training and certification standards for agency staff, local health officials, systems installers and engineers to ensure their proficiency in alternative systems; and (e) provide ongoing regulatory oversight.

Resulting DPH costs are estimated at \$200,300 in FY 08, reflecting the three-quarter year salaries associated with four staff (1 Supervising Sanitary Engineer, 1 Sanitary Engineer, 1 Office Assistant and 1 Attorney) and associated other expenses/equipment. These staff will be required to evaluate available alternative systems and develop regulations.

In FY 09, costs of \$376,150 would be incurred to support these four positions, as well as the hiring of an additional two positions (Sanitary Engineer, Environmental Analyst) needed to institute state oversight of the regulatory system and provide technical assistance to local health authorities. In FY 10 and subsequent years, annualized costs associated with these positions would rise to \$402,230.

A revenue gain to the state would result to the extent that a \$500 fee would be collected from entities submitting requests for plan approvals (for systems having flows of 2,000 – 5,000 gallons/day).

Fringe benefits costs of \$49,430 in FY 08, \$186,470 in FY 09, and \$236,000 in FY 10 and subsequent years would also be incurred<sup>1</sup>.

#### Local Health Authorities

A workload increase to local directors of health, which may result in costs depending upon the volume of requests for permits, would be associated with obtaining training and performing additional plan reviews, processing permit requests and conducting investigations and inspections.

Offsetting local revenues would be expected to the extent that

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<sup>1</sup> The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The estimated first year fringe benefit rate for a new employee as a percentage of average salary is 25.8%, effective July 1, 2006. The first year fringe benefit costs for new positions do not include pension costs. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS 2006-07 fringe benefit rate is 34.4%, which when combined with the non pension fringe benefit rate totals 60.2%.

testing, inspection and permit fees would be collected.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****HB 6768*****AN ACT CONCERNING THE APPROVAL OF SMALL  
ALTERNATIVE ON-SITE SEWAGE TREATMENT SYSTEMS.*****SUMMARY:**

This bill requires the Department of Environmental Protection (DEP) commissioner to (1) create categories of discharge from alternative on-site sewage treatment systems and (2) delegate to the health commissioner the authority to approve such systems. Under the bill, an alternative on-site sewage treatment system can take the place of a subsurface sewage disposal system (septic system), and has a capacity of up to 5,000 gallons a day.

The bill requires the DEP commissioner, after consulting with the health commissioner, to adopt regulations establishing and defining categories of discharge from the alternative systems by December 31, 2008. Starting on that date, the DEP commissioner must delegate to the health commissioner the authority to hold public hearings and permit or approve such systems.

The bill requires the health commissioner to (1) establish minimum requirements for the alternative systems and (2) procedures under which local health directors or registered sanitarians may permit or approve them. As under current law, any such permit is subject to a hearing and appeal process according to law. But for zoning purposes, the bill specifies that the health commissioner's approval of such a system cannot be interpreted as supporting expansion of a nonconforming residential property.

EFFECTIVE DATE: July 1, 2007

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea     31     Nay   0     (03/21/2007)